

# EXHIBIT “A”

16-07-20050-CV  
E-Filed for Record  
7/7/2016 3:39:54 PM  
Robertson County District Clerk, TX  
By: Traci Lopez

NO. 16-07-20050-CV

CAMERON McDONALD

VS.

FINALY RESOURCES, LLC,

§  
§  
§  
§  
§

IN THE 82nd COURT

# \_\_\_\_\_

ROBERTSON COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, CAMERON McDONALD, Plaintiff, and files this original petition complaining of FINALY RESOURCES, LLC ("FINALY") Defendant, and for cause of action, shows:

**A. Discovery Control Plan**

Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3 and affirmatively pleads that this suit does not fall under the expedited actions process of Texas Rules of Civil Procedure 169 because the Plaintiff seeks recovery of a sum in excess of \$100,000.00.

**B. Relief**

Plaintiff seeks only monetary relief over \$200,000.00 but not more than \$1,000,000.00. Tex. R. Civ P. 47 (c) (4).

**C. Parties**

Plaintiff is CAMERON McDONALD, an individual residing in Brazos County, Texas.

Defendant, FINALY RESOURCES, LLC is a Foreign Limited Liability Company authorized to do business in Texas and may be served by service upon its registered agent Incorp Services, Inc., at 815 Brazos, Suite 500, Austin, Texas 78701-0000, or wherever else it may be located.

Page 1 of 5



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**D. Venue**

Venue for this action is proper in Robertson County, Texas, for the incident on which this action is based occurred in Robertson County, Texas.

**E. Facts**

On or about July 9<sup>th</sup>, 2014 Defendant **FINALY** was the operator of a well in Robertson County and known as the Cazey 2. **FINALY** purchased the lease and became the operator on or about the year 2009. The Lease/ Facility number was 23784. **FINALY** was in the process of plugging the Cazey 2 in July 2014. **FINALY** contracted with J BAR Services to dismantle and remove the two storage tanks for the well.

On the 9<sup>th</sup> day of July, 2014, Plaintiff was employed by J-Bar Services, performing work on the Cazey well site. Along with other J BAR employees, Plaintiff was in the process of dismantling the tanks including the catwalk. Suddenly, and without warning there was an explosion. Plaintiff was on top of one of the tanks when the explosion occurred. He heard the "whistle" of gas and tried to escape to no avail. He was blown off the top but was hooked by a harness and thus was slammed back into the tank. He was knocked unconscious. His injuries were significant. Generally, his entire body was injured. Both knee caps were broken along with his right tibia. His face was shattered in numerous spots and teeth were lost. He suffered burns over a large part of his body. Plaintiff was life flighted to Memorial Hermann Hospital in Houston, Texas where he remained for over fourteen (14) days. He was off work for approximately three (3) months.

**F. Negligence**

The occurrence made the basis of this suit and the resulting injuries and damages were proximately caused by the negligent conduct of Defendant.



Defendant Finaly was the operator of the Well. They were plugging the well. They contracted with J-bar to perform the dismantling of the tanks. Finaly had maintained control of the well site. Tom Finaly on behalf of Defendant was onsite, overseeing and controlling the work. Finaly failed to take proper steps to insure there was not a source of oil or gas that could ignite. The well site had been under their continuing control. Finaly knew of the danger but failed to take action or to warn of the significant damages to those working on the site.

Each of these acts or omissions, singularly or in combination with others, constitute negligence which proximately caused the occurrence made the basis of this action and Plaintiff's injuries and damages.

#### **G. Damages**

**1. Medical Expenses** As a result of the negligent conduct of Defendant, Plaintiff **CAMERON McDONALD** suffered severe bodily injuries. Specifically, **CAMERON McDONALD** suffered burn injuries over a large part of his body and was hospitalized for several weeks. He suffered facial and other fractures to his body. He was in the hospital for over fourteen (14) days and thereafter in recovery for many months. This Plaintiff incurred reasonable and necessary medical expenses in a sum far in excess of the minimum jurisdictional limits of the Court. It is also anticipated this Plaintiff will incur reasonable and necessary medical expenses in the future as a result of his injuries.

**2. Pain, Suffering and Mental Anguish** As a further result of the nature and consequences of his injuries, Plaintiff suffered significant physical and mental pain, suffering and anguish. It is anticipated that such pain, suffering and anguish will continue into the future. The Plaintiff has suffered losses and damages in a sum in excess of the jurisdictional limits of the Court for which he hereby sues.

**3. Disfigurement** As a further result of the occurrence, Plaintiff was burned and face shattered resulting in permanent disfigurement.

**4. Physical Impairment** As a further result of the occurrence, Plaintiff was injured to the point of causing physical impairment both temporary and permanent.

**5. Loss of Income** As a further result of the occurrence, Plaintiff suffered loss of income as well as damage to his wage earning capacity in a sum far in excess of the minimum jurisdictional limits of the Court.

**I. Prejudgment Interest**

As a result of the negligent acts of Defendant, Plaintiff has suffered damages which entitle him to prejudgment interest.

**J. Prayer**

WHEREFORE, Plaintiff prays that citation issue and that upon trial he have judgment against Defendant in an amount in excess of the jurisdictional limits of this Court as set out above, together with costs, prejudgment interest, post-judgment interest and such other and further relief as which the Court may deem proper.



Respectfully Submitted,

**THE DILLARD LAW FIRM**

By: /s/ Jack W. Dillard

**JACK W. DILLARD**

State Bar No. 05865120

P. O. Box 5450

Bryan, Texas 77802

Telephone No. (979) 775-3910

Facsimile No. (979) 485-9809

Email: jwdlaw@aol.com

ATTORNEY FOR PLAINTIFF,

**CAMERON McDONALD**

Page 5 of 5



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Barbara W. Axtell

BARBARA W. AXTELL  
 ROBERTSON COUNTY, District Clerk  
 P.O. BOX 250  
 FRANKLIN, TEXAS 77856



ATTORNEY FOR PLAINTIFF(S)  
 JACK W DILLARD  
 P.O. BOX 5450  
 BRYAN, TX 77805

### REGULAR CITATION

Greetings,

TO:

FINALY RESOURCES, LLC BY SERVING  
 INCORP SERVICES, INC.  
 815 BRAZOS, SUITE 500  
 AUSTIN TX, 78701

**\*\*OR WHERE ELSE IT MAY BE LOCATED\*\***

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

You are hereby commanded to appear by filing a written answer to PLAINTIFF'S ORIGINAL PETITION, at or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service thereof before the Honorable 82<sup>nd</sup> Judicial District Court of Robertson County, Texas. Said petition was filed 07/07/2016 in the above entitled cause No 16-07-20050-CV.

CAMERON MCDONALD, Plaintiff(s) VS FINALY RESOURCES, LLC, Defendant(s)

The nature of Petitioner(s) demand is fully shown by a true and correct copy of PLAINTIFF'S ORIGINAL PETITION accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Franklin, Texas this the 7th day of July, 2016.

*Barbara W. Axtell*

BARBARA W. AXTELL, District Clerk  
 82<sup>ND</sup> JUDICIAL DISTRICT COURT  
 ROBERTSON COUNTY, TEXAS

By *[Signature]* Deputy



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 of the original filed in  
 Robertson County District Clerk's Office  
 Barbara W. Axtell



## OFFICER'S RETURN

16-07-20050-CV  
82ND JUDICIAL DISTRICT COURT  
PLAINTIFF'S ORIGINAL PETITION

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., at \_\_\_\_\_ in \_\_\_\_\_ County, \_\_\_\_\_ by delivering to each of the within-named defendant(s), in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying times and places to-wit:

Name	Day/Month/Year	Hour/Minute	To Address served

Not executed for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

Information received as to the whereabouts of the said defendant FINALY RESOURCES, LLC being

\_\_\_\_\_

\_\_\_\_\_

I am a disinterested person competent to make oath of the fact.

I actually and necessarily traveled \_\_\_\_\_ miles in the service of this Writ in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEES: Serving --- cop----- \$ \_\_\_\_\_  
Mileage \_\_\_\_\_ miles-- \$ \_\_\_\_\_  
Total----- \$ \_\_\_\_\_

Subscribed and sworn to \_\_\_\_\_ before me, the undersigned authority, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m.

\_\_\_\_\_, Sheriff  
\_\_\_\_\_, County,  
State of \_\_\_\_\_  
By \_\_\_\_\_, Deputy

**COMPLETE IF YOU ARE A PERSON OTHER THAT A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

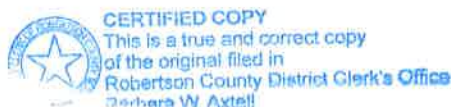
In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
(First, Middle, Last)

(Street, City, State, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_.



Declarant/Authorized Process Server

(Id# & expiration of certification)



BARBARA W. AXTELL  
ROBERTSON COUNTY, District Clerk  
P.O. BOX 250  
FRANKLIN, TEXAS 77856



ATTORNEY FOR PLAINTIFF(S)  
JACK W DILLARD  
P.O. BOX 5450  
BRYAN, TX 77805

REGULAR CITATION

16-07-20050-CV  
E-Filed for Record  
7/14/2016 9:25:08 AM  
Robertson County District Clerk, TX  
By: Traci Lopez

Greetings.

TO:

FINALY RESOURCES, LLC BY SERVING  
INCORP SERVICES, INC.  
815 BRAZOS, SUITE 500  
AUSTIN TX, 78701

\*\*OR WHERE ELSE IT MAY BE LOCATED\*\*

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The nature of Petitioner(s) demand is fully shown by a true and correct copy of PLAINTIFF'S ORIGINAL PETITION accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Franklin, Texas this the 7th day of July, 2016.

Handwritten signature of Barbara W. Axtell in black ink.

BARBARA W. AXTELL, District Clerk  
82<sup>ND</sup> JUDICIAL DISTRICT COURT  
ROBERTSON COUNTY, TEXAS

By Deputy

See Attached  
Affidavit



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Robertson County District Clerk's Office  
Barbara W. Axtell

**AFFIDAVIT OF SERVICE**

State of Texas

County of Robertson

82nd District Court

Case Number: 16-07-20050-CV

Plaintiff:

**CAMERON McDONALD**

vs.

Defendant:

**FINALY RESOURCES, LLC**

Received by Travis Wyatt on the 8th day of July, 2016 at 12:28 pm to be served on **FINALY RESOURCES, LLC**, by delivering to its Registered Agent, **INCORP SERVICES, INC.**, 815 Brazos, Suite 500, Austin, Travis County, TX 78701.

I, Travis Wyatt, being duly sworn, depose and say that on the 11th day of July, 2016 at 11:40 am, I:

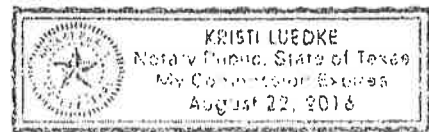
delivered a true and correct copy of this **CITATION, with attached PLAINTIFF'S ORIGINAL PETITION**, after endorsing the date of delivery thereon, to **FINALY RESOURCES, LLC** Accepted by **Jason Casey**, Authorized Agent of Incorp Services, Inc., in person, at: **815 Brazos, Suite 500, Austin, Travis County, TX 78701**.

I am over the age of 18 years, and I have never been convicted of a felony or a crime of moral turpitude. I am not party to or interested in the outcome of this case, and I am authorized by the Supreme Court of Texas to deliver citations and other notices pursuant to TRCP 103, 106, 107, and 536a. I am of sound mind and competent to make this oath. I swear that the facts contained in this Affidavit are true and correct and are within my personal knowledge.

STATE OF TEXAS  
COUNTY OF TRAVIS

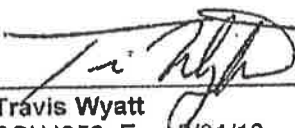
Subscribed and Sworn to before me on the 11th day  
of July, 2016 by the affiant who is personally known  
to me.

  
NOTARY PUBLIC



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Barbara W Axtell

  
Travis Wyatt  
SCH4959, Exp. 3/31/18

Wyatt Process Service, LLC  
109 S. Harris Street  
Suite 125A  
Round Rock, TX 78664  
(512) 501-4391

Our Job Serial Number: WYT-2016000639

## Case Management

07/28/2016

<input type="checkbox"/> No.	Event Date	Event Code	Event Comment	Book	Page	No. of Pages
<input type="checkbox"/> 1	7/11/2016	CIT SERV	TO FINALY RESOURCES, LLC BY SERVING INCORP SERVICES, INC. -- FILED 7/14/2016 W/COVER LETTER			3
<input type="checkbox"/> 5	7/17/2016	LETTER	TO JACK W. DILLARD			1
<input type="checkbox"/> 4	7/17/2016	CIT ISS	TO FINALY RESOURCES, LLC BY SERVING INCORP SERVICES, INC.			2
<input type="checkbox"/> 3	7/17/2016	RECEIPT	EFILING ORDER #011484025-0			2
<input type="checkbox"/> 2	7/17/2016	CIVIL CASE INFO	CIVIL CASE INFORMATION SHEET			1
<input type="checkbox"/> 0	7/17/2016	ORIG PET	PLAINTIFF'S ORIGINAL PETITION W/COVER LETTER			6



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